

REMARKS

Claim 3 currently appears in this application. The Office Action of June 6, 2002, has been carefully studied. This claim defines novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claim.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed. Claim 3 has now been rewritten as claim 13. It is believed that claim 13 conforms to all of the requirements of 35 U.S.C. 112.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,  
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**REMARKS**

Claims 3, 8, 10 and 12 currently appear in this application. The Office Action of February 1, 2002, has been carefully studied. It is believed that all of the claims are allowable, and favorable action is earnestly requested.

**Election/Restrictions**

SEQ ID NO:3, the elected sequence, is found only in claim 3. Accordingly, only claim 3 has been examined.

However, it should be noted that claims 8 and 12 have been amended to recite only SEQ ID NO:3, the elected sequence. Accordingly, it is respectfully requested that claims 8 and 12 be examined along with claim 3.

**Art Rejections**

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. The Examiner alleges that claim 3 is drawn to "part of the base sequence", which may include only one or two nucleotide bases. However, the Examiner notes that the claims would be considered allowable if the claim were amended to delete "a part of the base sequence of."

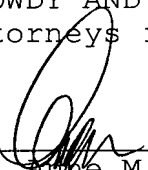
Accordingly, claim 3 has been amended to delete "a part of the base sequence of." Since claim 3 is

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considered to be allowable, it is respectfully submitted  
that claims 8, 10 and 12, relating to SEQ ID NO:3 , are  
also allowable.

In view of the above, it is respectfully  
submitted that the claims are now in condition for  
allowance, and favorable action thereon is earnestly  
solicited.

Respectfully submitted,  
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"Version with markings to show changes"

3. (Amended) A gene sequence of a spacer region between a gene coding 16S rRNA and a gene coding 23S rRNA of *Pectinatus cerevisiiphilus* containing ~~a~~**part** ~~of~~ the base sequence or the whole base sequence represented by SEQ ID NO:3.

8. (Amended) A method for detecting *Pectinatus cerevisiiphilus*, comprising employing the oligonucleotide made from the gene sequence described in claim 3 ~~or 4~~ as a primer for synthesis of nucleic acids, and treating the nucleic acid by gene amplification to detect the bacteria.

10. (Amended) A method for detecting *Pectinatus cerevisiiphilus*, comprising employing the oligonucleotide made from the gene sequence described in claim 3 ~~or 4 or the oligonucleotide made from the gene sequence described in claim 6~~ and a nucleotide sequence coding 16S rRNA gene of *Pectinatus cerevisiiphilus* as primers for synthesis of nucleic acids, and treating the nucleic acid by gene amplification to detect the bacteria.